

PENNIE & EDMONDS LLP

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 1155 Avenue of the Americas
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FEE

ATTORNEY DOCKET NO. 9301-035-999Date: December 23, 1998

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, D.C. 20231

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Stephen H. Friend, Roland Stoughton, and Yudong He Executed on: UNEXECUTED

Title of Invention: METHODS OF CHARACTERIZING DRUG ACTIVITIES USING CONSENSUS PROFILES

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	94	-20	74	\$18.00 each	\$ 1,332.00
Independent	10	-3	7	\$78.00 each	\$ 546.00
Minimum Fee					\$ 760.00
Multiple Dependency Fee If Applicable (\$260.00)					\$ 260.00
Total					\$ 2,898.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					- \$ 0.00
Total Filing Fee					\$ 2,898.00

- ☐ Priority of application no. filed on in is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application has been filed in application no. filed
- ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation-in-part of application no. filed.

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,



32,605

Adriane M. Antler
 PENNIE & EDMONDS LLP
 1155 Avenue of the Americas
 New York, New York 10036-2711
 tel. (212) 790-9090

(Reg. No.)

Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.

EXPRESS MAIL NO. EM061019734US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend, S.H., Stoughton R.
and Yudong H.

Serial No.: 09/220,142

Group Art Unit: 1643

Filed: December 23, 1998

Examiner: To Be Assigned

For: METHODS OF CHARACTERIZING DRUG ACTIVITIES USING CONSENSUS
PROFILES Attorney Docket No.: 9301-035-999

**RESPONSE TO NOTICE OF MISSING PARTS
OF APPLICATION - FILING DATE GRANTED**

BOX: Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the "Notice to File Missing Parts Of Application - Filing Date Granted" ("Notice") mailed by the U.S. Patent and Trademark Office on January 22, 1998, applicants submit herewith the following documents:

1. An executed Declaration and Power of Attorney for the instant application, executed by the inventors Stephen H. Friend, Roland Stoughton and Yudong He on February 22, 1999, in compliance with 37 C.F.R. 1.63;
2. Return copy of the Notice.

Applicants also submit herewith the following documents for the above-identified application:

3. Verified Statement Claiming Small Entity Status, executed by John J. King II, Senior Vice President and Chief Operating Officer of Rosetta Inpharmatics, Inc. on February 19, 1999 and declaring that Rosetta Inpharmatics Inc., the sole assignee of the above-identified application, qualifies as a small business concern under 37 C.F.R. § 1.9(f) and § 1.27(c); and

4. Request Under 37 C.F.R. § 1.27(a) To Establish Small Entity Status and Request for Refund Under 37 C.F.R. § 1.28(a).

Applicants are also submitting for recordation on even date herewith an assignment of the Applicants' rights in the above-identified application to Rosetta Inpharmatics, Inc.

Regarding Items 1 and 2 of the Notice, the Items contend that (a) the statutory basic filing fee of \$760.00, and (b) additional claim fees of \$36.00 are due. In response, Applicants submit herewith, as Exhibit A, a copy of the Patent Application Fee Sheet, which was submitted in connection with the above-identified patent application upon filing. This sheet estimates the filing fee of the above-identified application to be \$2,898.00¹, and authorizes the Assistant Commissioner for Patents to charge the required fee for the application to Pennie & Edmonds LLP Deposit Account No. 16-1150. Further, in a telephone call on February 4, 1999 to the Customer Service Center of the Initial Patent Examination Division of the U.S. Patent and Trademark Office, Applicants were informed that the following fees, totaling \$2,988.00, had been charged for the instant application:

- (i) \$760.00 statutory basic filing fee;
- (ii) \$546.00 for seven independent claims over three;
- (iii) \$1,422 for 79 total claims over 20; and
- (iv) \$260.00 Multiple Dependency Fee.

Accordingly, Applicants respectfully submit that no additional filing fees are due. However, should it be determined that additional filing fees are due, please charge the required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

¹This estimate was actually in error; the correct fee due was \$2,988.00.

In accordance with the Notice, the surcharge for filing the Declaration and Power of Attorney is estimated to be \$65.00 (Small Entity). Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Dated: February 23, 1999

Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

EXPRESS MAIL NO.: EM061 019 734US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend, S.H., Stoughton R.
and Yudong, H.

Serial No.: 09/220,142

Art Unit: 1643

Filed: December 23, 1998

Examiner: To Be Assigned

For: METHOD OF CHARACTERIZING DRUG
ACTIVITIES USING CONSENSUS
PROFILES

Attorney Docket No: 9301-035-999

**REQUEST UNDER 37 CFR § 1.27(a) TO ESTABLISH SMALL ENTITY STATUS
AND
REQUEST FOR REFUND UNDER 37 CFR § 1.28(a)**

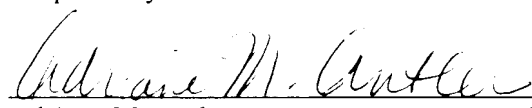
Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

It is respectfully requested that the above-identified application be accorded Small Entity Status in view of the Verified Statement Claiming Small Entity Status form which is submitted herewith.

An application fee of \$2,988.00 has been paid in connection with the above-identified application from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which \$1,494.00 is in excess of the amount now required. Pursuant to 37 CFR § 1.28(a) Applicants request a refund of the excess amount within two months of its timely payment. Accordingly, Applicants hereby request that the amount of **\$1,494.00 be credited** to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: February 23, 1999


Adriane M. Antler 32,605
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090



#3
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 926.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 36, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ 36 for 2 dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202